IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6587 of 2007()

CRIME NO.537/07 OF PUNALUR POLICE STATION

: PETITIONERS/ACCUSED

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1. M.R.GOPAKUMAR, S/O. RAMAKRISHNA PILLAI, THAYYIL VEEDU, ANAKKOTTOOR MURI, KOTTARAKKARA TALUK, NEDUVATHOOR VILLAGE, KOLLAM, NOW RESIDING AT DEVIKRIPA, THOLICODE WARD, MUTHEDOM MURI, PUNALUR VILLAGE.

2. RAMAKRISHNA PILLAI, THAYYIL VEEDU, ANAKKOTTOOR MURI, KOTTARAKKARA TALUK, NEDUVATHOOR VILLAGE, KOLLAM DISTRICT.

3. L.MEENAKSHI AMMA, W/O. RAMAKRISHNA PILLAI, THAYYIL VEEDU, ANAKKOTTOOR MURI, KOTTARAKKARA TALUK, NEDUVANTHOOR VILLAGE, KOLLAM DISTRICT.

4. M.R.ASOK KUMAR, S/O. RAMAKRISHNA PILLAI, THAYYIL VEEDU, ANAKKOTTOOR MURI, KOTTARAKKARA TALUK, NEDUVATHOOR VILLAGE, KOLLAM DISTRICT.

5. M.R.HARIKUMAR, S/O. RAMAKRISHNA PILLAI, THAYYIL VEEDU, ANAKKOTTOOR MURI, KOTTARAKKARA TALUK, NEDUVATHOOR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, PUNALUR POLICE STATION, KOLLAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6587 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for anticipatory bail. Petitioners apprehend arrest on the allegation that they have committed the non bailable offences punishable, inter alia, under Section 498 A I.P.C against the wife of the 1st accused/1st petitioner.

2. The learned Public Prosecutor on instructions submits that petitioners 2 to 5 are not arrayed as accused and that their apprehension that they will be arrested is without any justification. The petition in so far as it relates to accused 2 to 5 can hence be dismissed holding the apprehension to be unjustified. So far as the 1st petitioner is concerned, the marriage had taken place on 14.07.03. The couple are not blessed with any children. Complaint has filed by the wife against the 1st petitioner. Because of the strain in the matrimony, fanciful and exaggerated allegations are being raised against the 1st petitioner by the defacto complainant, submits the learned counsel for the petitioners.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the 1st petitioner can now be granted anticipatory bail. In coming to this conclusion, I take note of the reality that arrest and detention

of the 1st petitioner is likely to mar the matrimonial tie beyond repair. I do further take note of the fact that even allegedly the victim has not suffered any physical injury consequent to the alleged physical cruelty inflicted on her.

4. In the result, the Bail Application is, allowed in part.

a) The prayer of petitioners 2 to 5 for anticipatory bail is dismissed.

b) The following directions are issued under Section 438 Cr.P.C in favour of the 1st petitioner.

i) The 1st petitioner shall appear before the learned Magistrate at 11 a.m on 07.11.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 08.11.2007 and 09.11.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 07.11.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 07.11.07.

(R.BASANT, JUDGE)

rtr/-